

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CEDRIC B. CLERK, JR.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:16CV00401 SNLJ
	)	
JAY CASSADY,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Cedric B. Clerk, Jr. I referred this matter to United States Magistrate Judge David D. Noce for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On March 15, 2019, Judge Noce filed his recommendation that Fortner's habeas petition should be dismissed without prejudice.

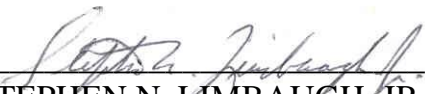
Objections were filed by petitioner's counsel to Judge Noce's Report and Recommendation. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Noce and deny Clerk's habeas March 15, 2019.

Accordingly,

**IT IS HEREBY ORDERED** that Judge Noce's Report and Recommendation, #23, filed March 15, 2019 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner's Petition for Writ of Habeas Corpus, #1, and Amended Petition, #17 are **DISMISSED without prejudice**.

Dated this 29<sup>th</sup> day of March, 2019.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE